UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

NANDORF, INC., OWNED AND OPERATED BY SAVERS INC., D/B/A UNIQUE THRIFT STORE

and

Case 13-CA-122675

CHICAGO AND MIDWEST REGIONAL JOINT BOARD WORKERS UNITED/SEIU

ORDER¹

The Employer's petition to revoke subpoena duces tecum B-706563 is denied. The subpoena seeks information relevant to the matters under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Petitioner has failed to establish any other legal basis for revoking the subpoena. See generally *NLRB v. North Bay Plumbing, Inc.,* 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.,* 81 F.3d 507 (4th Cir. 1996).²

With respect to the attorney-client privilege and the attorney work product doctrine issues raised by the Employer, we observe that the subpoena on its face does not seek any documents protected by privilege. Rather, the subpoena instructions provide that if the Employer refuses to produce any documents, it should identify and

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² In considering the petition to revoke, we have evaluated the subpoena in light of the Region's statements that it does not object to the Employer's redaction of employee social security numbers from documents responsive to subpoena paragraph 2. In addition, to the extent that the Employer has provided some of the requested material, it is not required to produce that information again, provided that the Employer accurately describes which documents under subpoena it has already provided, states whether those previously-supplied documents constitute all of the documents, and provides all of the information that was subpoenaed.

provide certain information about those documents.³ Thus, to the extent that the subpoena encompasses some documents that the Employer believes in good faith to be protected from disclosure, the Employer may submit a privilege log providing sufficient detail to permit an assessment by the Region of the Employer's claims.

Accordingly, there are no grounds for revocation of the subpoena in this regard.⁴

Dated, Washington, D.C., July 14, 2014.

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

NANCY SCHIFFER, MEMBER

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³ See Subpoena Definitions and Instructions, par. (5).

⁴ To the extent that the parties are ultimately seeking a determination of whether the asserted attorney client privilege and attorney work product doctrine in fact apply to certain documents, that issue is not properly raised in this petition to revoke the subpoena.